



## **Palestinian Centre for Human Rights (PCHR)**

Consultative Status with the ECOSOC of the United Nations  
Affiliate of the International Commission of Jurists – Geneva  
Member of the International Federation for Human Rights (FIDH) - Paris  
Member of the Euro-Mediterranean Human Rights Network – Copenhagen  
Member of the International Legal Assistance Consortium (ILAC) – Stockholm  
Member of the Arab Organisation for Human Rights – Cairo

### PCHR Conference Briefing **“If Not Now?’ When?”** Protecting Palestinian Civilians

September 2006

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## Conference Participants

- **International Human Rights Organisations:** Amnesty International, Human Rights Watch, International Federation for Human Rights (FIDH) International Commission of Jurists (ICJ), International Legal Assistance Consortium (ILAC)
- **Regional Human Rights Organisations:** Euro-Mediterranean Human Rights Network, Arab Organisation for Human Rights, Cairo Centre for Human Rights Studies, Arab Institute for Human Rights – Tunisia.
- **Palestinian and Israeli Non Governmental Organisations:** Palestinian Centre for Human Rights (PCHR) Al-Dameer, Al-Mezan, Al-Haq, Israeli Information Centre for Human Rights – B'tselem, Public Committee Against Torture in Israel, Hamoked, Addalah.
- **Key Civil Society Organisations:** European High Commissioner for Human Rights, European Co-ordinating Committee on Palestine.
- **UN Human Rights Agencies:** UN High Commissioner for Human Rights, UN Special Rapporteur for the Occupied Palestinian Territory (OPT), UN Committee for the Inalienable Rights of Palestinians, United Nations Relief and Works Agency (UNWRA), United Nations Office for the Co-ordination of Humanitarian Affairs (OCHA).
- **Swiss Parliamentarians:**
- **International Committee of the Red Cross (ICRC – GENEVA).**
- **European Parliamentarians**
- **Government Representatives:** Switzerland, France, Italy, Spain, Belgium.
- **Palestinian Solidarity Groups:** International Co-ordinating Committee for Palestinians (ICCP); European Co-ordinating Committee for Palestinians (ECCP).
- **Human Rights Lawyers / Academics / Experts**

## Conference Aims And Objectives

To bring together International Human Rights Organisations, Regional Human Rights Organisations, Palestinian and Israeli Human Rights Organisations, Key Civil Society Organisations, United Nations Human Rights Agencies, International Committee of the Red Cross (ICRC - Geneva), Swiss Parliamentarians, European Parliamentarians, International Palestinian Solidarity Groups, Human Rights Lawyers, Academics, Experts, Social Commentators and other key influencers and opinion shapers to formalise joint tactics and strategy to:

- Lobby the Swiss Government as Depository of the Fourth Geneva Convention to convene a third meeting of the High Contracting Parties to discuss the human rights situation in the Occupied Palestinian Territory (OPT).
- Secure from the third meeting of the High Contracting Parties to the Fourth Geneva Convention the tasking of an international protection force within the OPT (4<sup>th</sup> June 1967 boundaries) to protect Palestinian civilians and their property; such a force to have a clear and effective mandate to police a cease fire; support the rule of law and ensure freedom of movement for people and goods.
- Increase awareness of the total control on the life and movement of Palestinian civilians by the belligerent Israeli occupation and the total siege, unprecedented sanctions regime and resulting humanitarian crisis in the Gaza Strip; the complete absence of human rights law, standards and international norms in Israel's continuing military offensive against Palestinian civilians and their property.

The conference aims and objectives will be supported by intense lobbying of the Swiss government by PCHR and partners before, during and after the conference.



## Why The Conference Is Needed

Since the commencement of the second Intifada, PCHR's documentation details, 3,859 Palestinians who have been killed by Israel, 3,069 of whom were civilians; 22,927 Palestinians have been injured, again the majority civilians; 2,831 residential homes have been completely destroyed and 2,427 partially destroyed rendering them uninhabitable; 677 commercial premises have been destroyed and 36,852 dunums of land levelled or razed.

The international body of legal opinion rests clearly in favour of the protection of civilians – the International Court of Justice has found, in its July 9<sup>th</sup>, 2004 Advisory Opinion (AO) that:

- The West Bank, including east Jerusalem and the Gaza Strip are occupied territory and the Fourth Geneva convention as well as the range of human rights conventions are applicable to Palestinian civilians;
- Israel's wall inside the West Bank and its associated regime are illegal;
- Israeli settlements are illegal;
- Israel may not invoke article 51 of the UN Charter to justify construction of the wall;
- Israel must compensate Palestinian civilians, or restore their property to them.

To date this judgment has been ignored by Israel and the international community. Instead the Israeli authorities shifted the focus away from the ICJ AO to the 'disengagement' from the Gaza Strip.

Israel's "disengagement" from the Gaza strip in September 2005 was not the cessation of their near 40 year brutal occupation. PCHR's position remained crystal clear that "disengagement" was not the end of occupation merely a redeployment of Israeli forces.<sup>1</sup> Effective control on the life of protected Palestinian civilians was maintained by controlling Gaza's' land borders, air space, sea space and tax revenues. In addition Israel's policy of extra judicial executions, abductions and military offensives continued.

In that time Israel has followed a consistent policy of subjugating the Palestinian population, imprisoning it inside ever-shrinking bantustans, sealing it off from contact with the outside world, and destroying its chances of ever developing an independent economy.

Israel has been waging open warfare on the Gaza Strip since the capture by Palestinian fighters of an Israeli soldier on the 25<sup>th</sup> June 2006 from a perimeter artillery position that had been shelling Gaza. This wide scale military campaign named "Operation Summer Rains" is still ongoing. Since the campaign's commencement, 237 Palestinians, including 147 civilians, have been killed; 821 Palestinians, mostly civilians, have been injured. The wanton destruction of Gaza's civilian infrastructure since the 25<sup>th</sup> June 2006 continues unabated; 250 homes have been destroyed or partially destroyed resulting in the displacement of over 5,800 civilians; electricity and water networks, bridges, arterial roads, schools, universities, government buildings, factories and Gaza's only electricity power station have been destroyed; hundreds of dunum's of agricultural land has been razed.

Food, fuel and medical supplies have been reduced to a trickle as Israel keeps closed Gaza's only commercial boarder crossing. In addition Israel has arrested 31 democratically elected members of the Palestinian Legislative Council (PLC). The Palestinian Authority (PA) has ceased to function effectively; salaries of civil servants have remained unpaid for over six months, unemployment is approaching 90%; chronic malnutrition and dietary-related diseases are increasing at alarming rate's. Per capita income in Gaza is now less than Afghanistan and only slightly higher than Sierra Leone.

The killing of Palestinian civilians and the destruction of their property by Israel, on such a massive scale, has been unprecedented in nearly forty years of occupation. Despite the total siege of Gaza and

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<sup>1</sup> See Sharon's *Unilateral Gaza Redeployment: An end to human rights, not an end to occupation*. October 2004. [www.pchrgaza.org](http://www.pchrgaza.org) .



the ongoing death and destruction visited upon the civilian population day after day; the international community has turned a blind eye to the grave breaches of international humanitarian law and human rights law perpetrated by Israel. War crimes are going unpunished; the rule of law is being replaced by the law of the jungle. In addition to this, the donor community's de facto sanctions regime has resulted in acute poverty.

Following his recent visit to the OPT the UN Special Rapporteur for Human Rights in the OPT reported as follows: "In other countries this process might be described as ethnic cleansing but political correctness forbids such language where Israel is concerned... If the international community cannot take some action, [it] must not be surprised if the people of the planet disbelieve that they are seriously committed to the promotion of human rights... It is pointless to appeal to the Quartet to strive for the restoration of human rights, as neither respect for human rights nor respect for the rule of law features heavily on the agenda of this body. In these circumstances, the Special Reporter can only appeal to the wider international community to concern itself with the plight of the Palestinian people."<sup>2</sup>

Contrast this situation to the international communities' response to Israel's demand for an International Protection Force – the fourth strongest military power on earth - to protect Israel from Hezbollah after it's after its 34-day war against Lebanon. The international community, through the UN, responded almost immediately and a protection force was dispatched.

The international community can not be discriminatory in applying the rule of law. Palestinian's have been demanding an international protection force for decades. The "raison d'être" of the Fourth Geneva Convention is the protection of civilians and their property during conflict and occupation and the High Contracting Parties hold the legal obligation to "respect and ensure respect" (article 1 IVGC) for the Convention. Is International Humanitarian Law only for academic's?' or is it going to be used for what it was meant to be?' namely; the protection of civilians and their property. The international community is willing to provide protection to a state but has so far denied protection to Palestinian civilians.

PCHR is adamant that for grave breaches of international law - including the denial of freedom of movement - to cease in the OPT, an international protection force (within the 4<sup>th</sup> June 1967 boundaries) is needed in the OPT now. The protection of civilians and their property during occupation and conflict must remain a universal objective. Does the international community want the rule of law or the rule of the jungle to prevail in the OPT?

This conference will bring together key actors, influencers and opinion shapers with the specific aim of lobbying the Swiss government (as Depository of the Fourth Geneva Convention) and High Contracting Parties (HCPs) to the Fourth Geneva Convention to fulfil their moral and legal obligations by convening a third meeting of the HCPs on the grave human rights violations being perpetrated in the OPT by Israel.

That a third meeting of the High Contracting Parties to the Fourth Geneva convention should urgently task an international protection force to protect Palestinian civilians; ensure freedom of movement for people and goods; return their property and/or compensate them.

### **What The Conference Will Achieve**

The Palestinian Centre for Human Rights (PCHR) has extensive experience of lobbying and advocating for the effective application of international humanitarian and human rights law in the OPT. PCHR previously lobbied the High Contracting Parties to the Fourth Geneva Convention to convene meetings in 1999 and 2001 in order to formulate a response to the human rights violations in the OPT at that time. It was agreed at the second meeting that a third meeting would be convened if the human rights situation in the OPT deteriorated further.

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<sup>2</sup> <http://www.un.org/Docs/journal/asp/ws.asp?m=E/CN.4/2006/29>



PCHR also organised two NGO conferences in Geneva that were held in parallel to meetings of the High Contracting Parties of the Fourth Geneva Convention to discuss the situation in the OPT. These meetings brought together human rights activists, European parliamentarians, jurists, legal experts, journalists and various civil society leaders. This proposed conference, while logistically comparable, will expand its scope to include participation by the Swiss government (as Depository of the Geneva Conventions) and will include more European parliamentarians and other key influencers and opinion shapers who can act as forceful advocates for the application of international humanitarian law in the OPT by formalising joint strategy and tactics to:

- Lobby the Swiss government, as Depository of the Geneva Conventions, to convene a third meeting of the High Contracting Parties to the Fourth Geneva Convention.
- Forcefully advocate that such a meeting should task an international protection force in the OPT which has a clear and effective mandate - to police a cease fire; support the rule of law and ensure freedom of movement for people and goods.

It is important for PCHR, and for Palestinians civilians, that this conference fulfils the objectives detailed. In order to achieve this PCHR has decided to include a number of features which will aid this process:

- This conference is distinguished by the individuals and organisations who will be both participating and attending. It is intended that there will be a unique mix of academics, senior diplomats and activists from civil society. This will give the conference a unique dynamic between learning, lobbying and implementing.
- To hold special strategy sessions which will be used by participants to discuss next steps away from academic debate. At the end of these sessions the facilitators will report back to the plenary for a general debate.
- Multiple conferences have been held on the topic of the OPT – PCHR has played a key role in organising a number of them. Learning the lessons of these conferences has been a valuable experience. In order to ensure that the spirit and commitment of the conference translates into action PCHR will aim to select key volunteers who will take responsibility for carrying out various activities after the conference. This will help prevent the goals of the conference from slipping into obscurity and keep protection of Palestinian civilians at the forefront of the international agenda.

## Conference Participants

<b>International Organisations / INGOs</b>
UN High Commissioner for Human Rights
UN Special Rapporteur for the OPT
UN Committee for the Inalienable Rights of Palestinians
United Nations Relief and Works Agency (UNWRA)
UN Office for the Co-ordination of Humanitarian Affairs (OCHA)
International Committee of the Red Cross
European High Commissioner for Human Rights
European Co-ordinating Committee on Palestine
International Federation for Human Rights (FIDH)
Euro-Mediterranean Human Rights Network
International Commission of Jurists (ICJ)
International Legal Assistance Consortium (ILAC)
Arab Organisation for Human Rights
Cairo Centre for Human Rights Studies
Amnesty International
Human Rights Watch
<b>Government and Diplomatic Representatives</b>
Switzerland
France
Italy



Spain
Belgium
EU
<b>Palestinian NGOs</b>
Palestinian Centre for Human Rights (PCHR)
Al-Dameer
Al-Mezan
Al-Haq
<b>Israeli NGOs</b>
Israeli Information Centre for Human Rights – B'Tselem
Public Committee Against Torture in Israel
Hamoked
Adalah

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